United Nations A/HRC/31/L.32

General Assembly

Distr.: Limited
22 March 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina,* Bolivia (Plurinational State of), Bulgaria,* China, Congo, Cuba, Cyprus,* Djibouti,* Ecuador, Egypt,* Georgia, Greece,* Indonesia, Italy,* Luxembourg,* Maldives, Mexico, Montenegro,* Nigeria, Paraguay, Philippines, Portugal, Republic of Moldova,* Romania,* Spain,* Thailand,* Tunisia,* Uganda,* Venezuela (Bolivarian Republic of), Viet Nam: draft resolution

31/... The right to work

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Economic, Social and Cultural Rights and other international human rights instruments relevant to the right to work,

Reaffirming also Human Rights Council resolution 28/15 of 26 March 2015 on the right to work,

Recalling General Assembly resolution 63/199 of 19 December 2008 entitled "International Labour Organization Declaration on Social Justice for a Fair Globalization" and Economic and Social Council resolutions 2007/2 of 17 July 2007 entitled "The role of the United Nations system in providing full and productive employment and decent work for all" and 2008/18 of 24 July 2008 entitled "Promoting full employment and decent work for all",

Recalling also the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its follow-up, adopted by the International Labour Conference at its eighty-sixth session, on 18 June 1998, the Declaration on Social Justice for a Fair Globalization, adopted by the Conference at its ninety-seventh session, on 10 June 2008, the Global Jobs Pact, adopted by the Conference at its ninety-eighth session, on 19 June 2009, the resolution of the International Labour Organization on the follow-up to its Declaration on

* Non-member State of the Human Rights Council.

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Fundamental Principles and Rights at Work, adopted by the Conference at its ninety-ninth session, on 15 June 2010, and the resolution concerning gender equality at the heart of decent work adopted by the General Conference of the International Labour Organization at its ninety-eighth session, on 17 June 2009,

Recognizing the primary role, mandate, expertise and specialization of the International Labour Organization within the United Nations system in relation to the promotion of decent work and full and productive employment for all, welcoming its initiatives and activities in this regard, including the Decent Work Agenda, and taking note of the recently launched centenary initiatives of the International Labour Organization on the future of work and on women at work,

Reaffirming that all human rights and civil, political, economic, social and cultural rights, including the right to development, are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Emphasizing that States should undertake to guarantee that the right to work is to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing also that the right to work is not only essential for realizing other human rights but also an inseparable and inherent part of human dignity and is important to ensure the satisfaction of human needs and values that are central to a dignified life,

Recognizing that full and productive employment and decent work for all are key elements of poverty-reduction strategies that facilitate the achievement of the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development,[1] and that they require a multidimensional focus that incorporates Governments, the private sector, civil society organizations, representatives of employers and workers, international organizations and, in particular, the agencies of the United Nations system and the international financial institutions,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on the realization of the right to work;[2]

2. *Reaffirms*, as enshrined in the International Covenant on Economic, Social and Cultural Rights, the right to work, which includes the right of everyone to the opportunity to gain his or her living by work which he or she freely chooses or accepts, and that States should take steps to achieve the full realization of that right, including technical and vocational guidance and training programmes, policies and techniques, to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding the fundamental political and economic freedoms of the individual;

3. *Also reaffirms*, as enshrined in the International Covenant on the Economic, Social and Cultural Rights, the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular, remuneration which provides all workers, as a minimum, with fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; a decent living for themselves and their families; safe and healthy working conditions; equal opportunity for everyone to be promoted in his or her employment to an appropriate higher level, subject to

[1] General Assembly resolution 70/1.
[2] A/HRC/31/32.

no considerations other than those of seniority and competence; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays;

4. *Further reaffirms* that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to work, including in particular the adoption of legislative measures;

5. *Recognizes* that ensuring equality and non-discrimination in access to work is crucial in addressing the social prejudices and disadvantages that might exist in the labour market and undermine equality and dignity;

6. *Stresses* that the freedom to work, which is included in the right to work, entails the right to pursue professional options under equal conditions without unjustified barriers;

7. *Also stresses* that States, as provided for by the relevant international legal instruments, should prohibit forced and compulsory labour and punish the use of it in all its forms;

8. *Emphasizes* that the right to work entails, inter alia, the right not to be deprived of work arbitrarily and unfairly and that States, in accordance with the relevant obligations in relation to the right to work, are required to put in place measures ensuring the protection of workers against unlawful dismissal;

9. *Underscores* the equal right of men and women to the enjoyment of all human rights, including the right to work, and that equal access to work is pivotal to the full enjoyment of all human rights by women, while recognizing that women are on many occasions subject to discrimination in the context of realizing their rights in that regard on an equal basis with men and are disproportionately exposed to the most precarious working conditions, including limited or no legal protection, lower levels of remuneration and involuntary temporary and part-time employment, and are disproportionately burdened with unpaid care work, which may constitute on many occasions a barrier to women's greater involvement in the labour market;

10. *Stresses* that States should take all appropriate measures to eliminate discrimination against women in the field of employment and to tackle any structural barrier to employment opportunities, such as in education, health, work and life balance and lack of maternity protection, in order to ensure, on a basis of equality of men and women, the same rights, including in particular the rights to work, the same employment opportunities, promotion, free choice of profession and employment, job security and all benefits and conditions of service, and the rights to receive vocational training and retraining, equal remuneration, equal treatment in respect to work of equal value, social security and protection of health and safety in working conditions;

11. *Recognizes* that progress has been made, yet is deeply concerned that many persons with disabilities in all regions continue to face significant obstacles in exercising their right to work on an equal basis with others and that persons with disabilities are frequently subject to less favourable conditions of pay, precarious work regimes and poor career prospects in a context of environmental, social and economic barriers in accessing work and within work, as well as in education and training, which results on many occasions in neglect of their potential and restrictions on opportunities to earn a living through their capabilities, and in this regard encourages States to take all appropriate measures to prohibit discrimination against persons with disabilities in all matters

concerning access to employment and job opportunities, including in relation to equal conditions of pay, hiring and career advancement;

12. *Underscores* the responsibility of the State to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education or to be harmful to their health or physical, mental, spiritual, moral or social development;

13. *Expresses concern* that global unemployment stood at 197 million in 2015, representing an increase of nearly 1 million compared with the previous year and of about 27 million compared with 2007, and about the severe impact that the international economic and financial crisis has had in that regard, and notes with concern that the global level of women's participation in labour force is 27 per cent lower than that of men;

14. *Expresses deep concern* that, in 2015, approximately 71.3 million young people were unemployed and that the global youth unemployment rate is around 13.1 per cent, while the global employment rate for young women is 15 percentage points lower than that for young men, resolves in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing that right, and emphasizes that full and productive employment for young people plays an important role in their empowerment and can contribute, inter alia, to the prevention of extremism, terrorism and social, economic and political instability;

15. *Stresses* that technical and vocational education and guidance are necessary measures for the realization of the right to work for all;

16. *Welcomes* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] including, inter alia, its Goal 8, on promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, and its targets;

17. *Recognizes* the fundamental importance of international cooperation, including through technical cooperation, capacity-building, exchange of relevant lessons learned and good practices, in advancing efforts towards the full realization of the right to work through full and productive employment and decent work for all;

18. *Calls upon* States to put in place comprehensive policies and to take the legislative and administrative measures necessary for the full realization of the right to work, including through considering to undertake policy commitments and measures to obtain full and productive employment and decent work for all, including through the establishment, where appropriate, of institutions for that purpose and by further strengthening tools such as job services and social dialogue mechanisms, while paying continuous attention to professional and technical training and initiatives to foster small and medium-sized enterprises and cooperatives;

19. *Recognizes* that employment should be a central objective of economic and social policies at the national, regional and international levels for the sustainable eradication of poverty and for providing an adequate standard of living, and emphasizes in that regard the importance of relevant social protection measures, including social protection floors;

20. *Highlights* the vital role of the private sector in generating new investments, job opportunities and financing for development and in advancing efforts towards the full realization of the right to work and the promotion of full and productive employment and decent work for all;

21. *Recognizes* the important contribution of workers' and employers' organizations in the area of full and productive employment and decent work for all;

22. *Underscores* that there is an urgent need to create an environment at the national and international levels that is conducive to the attainment of full and productive employment and decent work for all as a foundation for sustainable development and that an environment that supports investment, growth and entrepreneurship is essential to the creation of new job opportunities, and reaffirms that opportunities for men and women to obtain productive work in conditions of freedom, equity, security and human dignity are essential to ensuring the eradication of hunger and poverty, the improvement of economic and social well-being for all, the achievement of sustained, inclusive and sustainable economic growth and sustainable development of all nations and a fully inclusive and equitable globalization;

23. *Acknowledges* the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in relation to the right to work;

24. *Also acknowledges* the work of United Nations agencies, programmes and funds, in particular the International Labour Organization, in supporting the efforts of States to promote full and productive employment and decent work for all and the full realization of the right to work;

25. *Requests* the United Nations High Commissioner for Human Rights to prepare an analytical report in consultation with States, United Nations agencies, funds and programmes, particularly the International Labour Organization, as well as the treaty bodies, special procedures, civil society and other relevant stakeholders on the relationship between the realization of the right to work and the enjoyment of all human rights by women, with a particular emphasis on the empowerment of women, in accordance with States' respective obligations under international human rights law and the relevant major challenges and best practices in that regard, and to submit the report to the Human Rights Council prior to its thirty-fourth session;

26. *Decides* to remain seized of the matter.